



DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS  
Office of Administrative Hearings  
**DCCA News Release**

**LINDA LINGLE**  
GOVERNOR

---

MARK E. RECKTENWALD  
DIRECTOR  
Phone: (808) 586-2850  
Fax: (808) 586-2856

---

**FOR IMMEDIATE RELEASE: July 28, 2004**

**OAH TO TEST CONDOMINIUM DISPUTE RESOLUTION  
PILOT PROGRAM**

(Honolulu) - Governor Linda Lingle has authorized a significant rewrite of state laws governing condominiums, creating a new hearing process for certain kinds of disputes as an alternative to judicial proceedings.

Act 164, signed into law by Governor Lingle on July 2, 2004, established the Condominium Dispute Resolution Pilot Program, which the State Office of Administrative Hearings (OAH), Department of Commerce and Consumer Affairs will conduct over the next two years.

As part of the program, OAH will hold administrative hearings for certain types of condominium disputes and issue a report to the legislature. The following is an overview of the hearing process:

1. Before a request for a hearing can be filed with the pilot program, the parties must have attempted to resolve the dispute through mediation.
2. If the dispute could not be resolved through mediation, anyone who participated in the mediation may file a request for a hearing with OAH.
3. OAH will only accept 30 cases per fiscal year (July 1, 2004 – June 30, 2005; July 1, 2005 – June 30, 2006).

4. Only directors of a duly registered apartment owners association or an apartment owner who belongs to such an association (pursuant to section 514A-95.1) may file a request for hearing.
5. The hearing request must be filed with OAH within 30 days from the final day of the unsuccessful mediation, and can only be initiated against a party that participated in the mediation.

Act 164 excludes certain kinds of disputes from being submitted to the pilot program, including those relating to:

- Interpretation or application of any association owners' declaration;
- Interpretation or application of any association bylaws or house rules; and
- Disputes arising out of the following sections of the Hawai'i Revised Statutes: Sections 514A-82(b)(1) – (13); 514A-82.3; 514A-83.1(b); and 514A-83.4(c).

For more information about the Condominium Dispute Resolution Pilot Program, please contact Rod Maile, Senior Hearings Officer of the Office of Administrative Hearings.

#### **CONTACT INFORMATION**

**Address:** Office of Administrative Hearings  
CDR Pilot Program  
335 Merchant Street, Suite 100  
Honolulu, HI 96813

**Telephone:** 586-2828

**Fax:** 586-3097

**Email:** oah@dcca.hawaii.gov

#####